

REMARKS

This application has been reviewed in light of the Office Action dated September 26, 2007. Claims 30-39 are presented for examination, of which Claims 30 and 34 are in independent form. Claims 30, 32, 34, 35, and 36 have been amended to define Applicants' invention more clearly, and new Claims 38 and 39 have been added to provide Applicants with a more complete scope of protection. Favorable consideration and reconsideration is requested.

Claims 30-37 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Office Action deems the steps of (1) "controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to receiving notice from the printer that the image data selected by the user is printed;" and (2) "controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to disconnecting the data communication apparatus from the serial bus", are indefinite. Applicants have carefully reviewed Claims 30-37 in view of the points raised on pages 4 and 5 of the Office Action and respectfully traverse the rejections of those claims. Applicants submit that Claims 30-37 are sufficiently definite to be in compliance with 35 U.S.C. § 112, second paragraph, for at least the reason that one of ordinary skill in the art would understand from Claims 30 and 34 that different independent actions can result in the same control action, irrespective of whether all of the actions occur simultaneously.

Claims 30 and 34 were rejected under 35 U.S.C. § 102(a) as being anticipated by the article entitled "Olympus Digital Vision D-320L D-220L Digital Camera Instructions" (*Olympus*); Claims 31-32 and 35-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Olympus* in view of U.S. Patent No. 6,442,349 (*Saegusa*); and Claims 33 and

37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Olympus* and *Saegusa* as applied to Claims 30 and 34, and further in view of the article entitled “IEEE 1394: A Ubiquitous Bus” (*IEEE 1394*). Applicants submit that independent Claims 30 and 34, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 30 is directed to a method of controlling a data communication apparatus. The method includes controlling the data communication apparatus to send image data selected by a user to a printer via a serial bus, the image data selected by the user being sent from the data communication apparatus in response to entering a send instruction into the data communication apparatus. The method also includes controlling the data communication apparatus to inhibit, invalidate, or ignore a predetermined user instruction while the data communication apparatus sends the image data selected by the user to the printer. In addition the method includes controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to receiving notice from the printer that the image data selected by the user is printed. The method further includes controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to disconnecting the data communication apparatus from the serial bus.

Among other notable features of the method of Claim 30 is the step of controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to disconnecting the data communication apparatus from the serial bus.

Olympus relates to the user operation manual for the Olympus model D-320L and D-220L digital cameras. Apparently, these camera models may be used in conjunction with a printing device to print images from the camera. At the most, however, it appears to Applicants that *Olympus* discusses only the operation of the digital camera while connected to the printer.

In the Response to Arguments set forth on pages 2 and 3 of the Office Action, the Examiner makes conjectures about the operation of the camera discussed in *Olympus* when the cable is disconnected from the printer while the printer is printing, even though the proposed operation is not found expressly in *Olympus*. However, the Office Action does not provide further explanation of how one of ordinary skill in the art would be sure about the operation of the camera when the cable is disconnected from the printer while the printer is printing, nor is there any discussion of why one of ordinary skill in the art would not pick a different operation to occur. Moreover, the Office Action does not provide any indication that such feature is deemed to be inherent in *Olympus*.

Olympus merely discloses “the condition indicator LED lights while printing, and other operations are disabled”, but does not clearly disclose what happens if a camera is disconnected from a printer while printing. Thus, for example, in *Olympus*, if the camera is disconnected from the printer while printing, a user cannot know if all of the desired printing has been performed. Consequently, it is conceivable that the operating state defined by the phrase “the condition indicator LED lights while printing, and other operations are disabled” continues even after the camera is disconnected.

Apparently, the conjecture presented in the Office Action is based only upon what *Olympus* teaches about the operation of the camera and printer at different operating states

of those devices. As Applicants understand the system described in *Olympus*, when the camera is initially connected to the printer, the functions of the camera are not disabled. Therefore, while operating in this manner there is apparently no need to start or stop inhibiting, invalidating, or ignoring the predetermined user instruction. It is only when the camera is connected during printing that the functions of the camera are disabled. Furthermore, since the action that initiates the disabling of the camera is pressing the “DIRECT PRINT” button on the camera, and not connecting or disconnecting of the camera, it would not be apparent to one of skill in the art from *Olympus* if the operating state of the camera is necessarily restored when the camera is disconnected from the printer during the printing process. Thus, while *Olympus* may discuss the operation of the camera before connection to a printer, it does not disclose what will happen if data communication is interrupted by disconnecting the camera. Therefore, the Examiner has not met his burden of showing that every limitation of Claims 30 and 34 are found expressly or inherently in *Olympus*.

Moreover, if the Examiner believes that this feature of Claim 30 is inherently disclosed in *Olympus*, Applicants respectfully request that the Examiner meet his burden of showing that such feature is necessarily present in the system described in *Olympus*.

In view of Applicants’ foregoing remarks and the amendments to the claims, Applicants submit that *Olympus* does not disclose all elements of Claims 30, and in particular does not disclose controlling the data communication apparatus to stop inhibiting, invalidating or ignoring the predetermined user instruction in response to disconnecting the data communication apparatus from the serial bus, as set forth in Claim 30.

Accordingly, Claim 30 is believed to be patentable over *Olympus*, and respectfully request that the rejections under 35 U.S.C. § 102(a) be withdrawn.

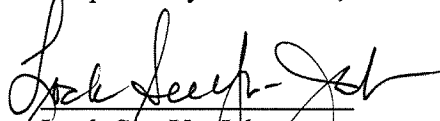
Independent Claim 34 is an apparatus claim corresponding to method Claim 30, and is believed to be patentable for at least the same reasons as discussed above in connection with Claim 30.

The other claims in this application, including new Claims 38 and 39, are each dependent from Claim 30 or 34 and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration and reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


Lock See Yu-Jahnes
Attorney for Applicants
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200